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PATENT APPLICATION

ATTORNEY DOCKET NO. 200208446-1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Andrew Harvey BARR et al.

Confirmation No.: 6038

Application No.: 10/829,072

Examiner: Wang, A. C.

Filing Date: 04/20/04

Group Art Unit: 2115

Title: A RACK EQUIPMENT CAPACITY ON DEMAND SYSTEM AND METHOD

Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**NOTICE OF APPEAL FROM THE EXAMINER TO THE
BOARD OF PATENT APPEALS AND INTERFERENCES**

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision of the examiner date, 01/29/07, rejecting the following claims: 1-4, 6-10, 12-20. The fee for this Notice of Appeal is (37 CFR 1.17(B)) **\$500.00.**

(complete (a) or (b) as applicable)

The proceedings herein are for a patent application and the provisions of 37 CFR 1.13 6(a) apply.

☐ (a) Applicant petitions for an extension of time under 37 CFR 1.136 (FEES: 37 CFR 1.17 (a)-(d) for the total number of months checked below:

☐ 1st Month
\$120

☐ 2nd Month
\$450

☐ 3rd Month
\$1020

☐ 4th Month
\$1590

☐ The extension fee has already been filed in this application

☒ (b) Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

Please charge to Deposit Account **08-2025** the sum of \$ 500.00. At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account **08-2025** pursuant to 37 CFR 1.25. Additionally please charge any fees to Deposit Account **08-2025** under 37 CFR 1.16 through 1.21 inclusive, and any other sections in Title 37 of the Code of Federal Regulations that may regulate fees. A duplicate copy of this sheet is enclosed.

☒ I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:
Commissioner for Patents, Alexandria, VA 22313-1450

Date of Deposit: 04/06/07

OR

☐ I hereby certify that this paper is being transmitted to the Patent and Trademark Office in the original and facsimile number (571) 273-8300.

Date of facsimile:

Typed Name: Desiree Reardon

Signature:

Respectfully submitted,

Andrew Harvey BARR et al.

By 04/10/2007 MWOLDGE1 00000035 002025 10029072

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